

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

TRAVIS DAVIS,

Plaintiff,

v.

SHERIFF HASSEL *et al.*,

Defendants.

CAUSE NO. 3:20-CV-357-DRL-MGG

OPINION & ORDER

Travis Davis, a prisoner without a lawyer, filed an amended complaint. “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Under 28 U.S.C. § 1915A, the court still must review the complaint and dismiss the action if it is frivolous or malicious, fails to state a claim, or seeks monetary relief against an immune defendant. To state a 42 U.S.C. § 1983 claim, Mr. Davis must allege “(1) that defendants deprived him of a federal constitutional right; and (2) that the defendants acted under color of state law.” *Savory v. Lyons*, 469 F.3d 667, 670 (7th Cir. 2006).

In the initial complaint, Mr. Davis alleged that he didn’t receive carrots with some of his evening meals in April 2020 due to the Marshall County Jail’s temporary issues with obtaining produce and asserted that he had been deprived of nutrients and calories from a menu developed by a licensed dietician. In the screening order, the court found

that the initial complaint didn't state a claim upon which relief could be granted because a minor, temporary deviation from the regular menu wasn't punishment in violation of the Fourteenth Amendment and because there was no description of the defendants' personal involvement. In the amended complaint, Mr. Davis adds that Sheriff Hassel and Mr. Holcomb prevented cafeteria staff from offering another food item as a substitute for the carrots.

"[T]he Fourteenth Amendment's Due Process Clause prohibits holding pretrial detainees in conditions that amount to punishment." *Mulvania v. Sheriff of Rock Island Cty.*, 850 F.3d 849, 856 (7th Cir. 2017). Though Mr. Davis has addressed the defendants' personal involvement, the court still cannot characterize a minor, temporary deviation from the regular menu caused by delivery issues as a condition that amounts to punishment. Because the amended complaint does not state a claim upon which relief can be granted, the court DISMISSES this case pursuant to 28 U.S.C. § 1915A.

SO ORDERED.

September 25, 2020

s/ Damon R. Leichty  
Judge, United States District Court